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In re Application of
Vignoles et al.
Application No. 09/938489
Filing or 371(c) Date: 08/27/2001
Attorney Docket Number:
01.018.01

OFFICE OF PETITIONS

ON PETITION

This is a decision on the "Petition for Withdrawal of Abandonment," filed August 6, 2008. The petition is properly treated under 37 C.F.R. § 1.181.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed January 9, 2007. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on April 10, 2007. A Notice of Abandonment was mailed June 4, 2008.

Applicant files the present petition and asserts that a timely reply to the Office action to wit, a Notice of Appeal (and fee), was filed on March 9, 2007, under the Certificate of Mail procedure set forth in 37 CFR 1.8. In support of this assertion Applicant files a copy of the reply, and a copy of their Electronic Acknowledgment Receipt, which acknowledges receipt by this Office of Notice of Appeal and fee, on March 9, 2008.

A review of Office records also reveals that the Office received a Notice of Appeal and fee on March 9, 2008.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

Accordingly, the petition is granted. The application is being referred to Technology Center Art Unit 2137 to await the brief in support of appeal.

Applicant has two (2) months from the mailing date of this Decision to file an appeal brief. Extensions of time are available under 37 CFR 1.136(a). Accord, MPEP 1215.01

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
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